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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic reports of State sparties due in 1992

Addendum

FRANCE*

[28 May 1993]

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* The present document contains the ninth, tenth and eleventh periodic reports of France, which were due on 28 August 1988, 1990 and 1992, respectively, and which have been combined in a single document. For the seventh and eighth periodic reports submitted by the Government of France and the summary records of meetings of the Committee at which those reports were considered, see the following documents:

Seventh periodic report - CERD/C/117/Add.2 (CERD/C/SR.732-733);

Eighth periodic report - CERD/C/148/Add.3 (CERD/C/SR.832-833).

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* The documents contained in the annex may be consulted in French in the files of the secretariat of the Centre for Human Rights.

Introduction

1. In accordance with the provisions of article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination, France is submitting to the Committee on the Elimination of Racial Discrimination its ninth and tenth periodic reports on the legislative, judicial, administrative or other measures taken since 1986. Both reports are contained in this document.

I. GENERAL

A. Outline of policy pursued since 1986

2. Since 1986, the French Government has continued its policy of action for the elimination of racial discrimination.

3. In the legislative area, the main instruments are the Act of 13 July 1990 providing for the punishment of all racist, anti-Semitic and xenophobic acts and the Acts of 22 July 1992 amending the Penal Code. Even before these texts were adopted, France already had a detailed body of anti-racist legislation: besides the Act of 1 July 1972, which is the cornerstone of the legislative arsenal, other laws adopted in 1975, 1977, 1983, 1985 and 1987 attest to the legislator's constant concern with combating racism and xenophobia in all their forms and expressions.

4. Criminal penalties are currently laid down for the following acts:

(a) The Press Act covers racial defamation and slander, incitement to discrimination and racial hatred, defence of war crimes, collaboration with the enemy and crimes against humanity;

(b) The Penal Code covers a discriminatory refusal to provide goods or services, the dismissal of or refusal to employ a person on the basis of discrimination, economic boycott based on discrimination and discrimination aimed at jeopardizing the recognition of a right. Thus, the various forms of racism and xenophobia all appear to be covered by criminal law.

5. The legislator has also granted associations whose goal is to combat racism or which seek to assist the victims of discrimination based on their national, ethnic, racial or religious origin the power to exercise the rights reserved for the party instituting a civil action when certain offences of a racist nature are committed.

6. At the round table which was held at the Hôtel Matignon on 3 April 1990 and attended by representatives of political parties and parliamentary groups, the Prime Minister proposed the establishment of departmental units to coordinate action to combat racism. One year after such units were set up on an experimental basis in three departments, particularly convincing results were achieved that justify extending these units to other departments and joint action by groups that had formerly worked separately has been carried out with productive results.

7. As a follow-up to their appeal of 19 October 1990, in which they solemnly expressed their "determination to combat all forms of violence, exclusion, racism and xenophobia", the mayors of 12 major cities held a "Forum des maires cité-diversité" - "Mayors' Forum: the multicultural city" on 28 September 1991 at Vizille (Isère). These 12 mayors were joined by 200 others and adopted a joint pledge stating that "action to combat racism requires social measures". The Vizille final resolution states that "The mayors are on the front line in renewing and strengthening democratic debate in France". These local representatives all pledged to make systematic efforts to inform the public, eliminate any discrimination from the behaviour of municipal authorities and prevent conflicts by strengthening ties with the representatives of associations involved in action to combat racism.

8. Statistics 1/show that convictions on a principal charge of racism dropped by 40 per cent during a five-year period, from 87 in 1984 to 52 in 1989. However, mention should be made of the increase that has been observed since 1990: there were 98 convictions for racism in 1990 and 101 in 1991. According to these statistics, men are mainly responsible for offences involving racism (about 80 per cent of convictions). The 30-59 year age group has had the largest number of convictions in recent years. However, it should be noted that the age structure of offenders has changed considerably since 1990-1991; 7 per cent of convictions concerned minors. In addition, for the immediately higher age groups (18-19 years), the number of convictions increased 2.5 times between 1984 and 1991 and, during the same period, convictions in the 25-29 year category increased by 55 per cent. It should be noted that the large majority of convicted persons are of French nationality. The proportion of foreigners convicted has been constantly decreasing and has accounted for only a small share since 1988 (1988: 2 per cent; 1989: 1 per cent; 1990: 4 per cent; 1991: 4 per cent). The majority of convictions were handed down for racial insults, which increased significantly between 1989 (29) and 1991 (64). This large increase in offences involving racism and xenophobia has led the authorities to reaffirm their determination to combat all forms of racial discrimination.

9. Residence requirements for foreigners were improved by Act No. 89-548 of 2 August 1989, which amended Order No. 45-2658 of 2 November 1945 (amended) on conditions for foreigners' entry into and stay in France and strengthened the residence rights of foreigners who have family ties in France or many years of residence. 2/ The requirements for obtaining a residence permit have been changed and the category of beneficiaries has been expanded. A consultation procedure by a Commission on Foreigners' Residence has also been established; this procedure is a prerequisite whenever a decision to refuse residence might be taken against foreigners legally residing in France or authorized to do so on a long-term basis. In cases where the Commission is in favour of granting or renewing a residence permit, the permit must be issued. In other words, a favourable opinion by the Commission is binding on the Prefect. If the foreigner does not have a valid residence permit, he is issued a receipt representing a temporary residence authorization for the entire duration of the procedure, until the Prefect has made a decision on hearing the Commission's opinion.

B. Composition of the Population

10. Metropolitan France has 57.2 million inhabitants, of whom 3,580,000 are foreigners (6.3 per cent), and 25.1 million working people, of whom 1,624,000 are foreigners (6.5 per cent). Compared to the previous census, conducted eight years earlier, these data indicate that the foreign population is numerically stable and composed mainly of:

Portuguese:	649,714
Algerians:	614,207
Moroccans:	572,652
Italians:	252,759
Spaniards:	216,047
Tunisians:	206,336
Turks:	197,712

The breakdown by sex (all nationalities) is as follows: 1,982,352 males and 1,614,250 females.

11. The population of the overseas departments (Guadeloupe, French Guyana, Martinique, Reunion), the overseas territories (New Caledonia, French Polynesia, Wallis-et-Futuna) and the territorial communities (Saint-Pierre-et-Miquelon, Mayotte) is 1,896,800. Most of the overseas population lives in the departments, which have 1,457,000 inhabitants (i.e. over three quarters) and seven cities numbering over 50,000 inhabitants.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

Act of 13 July 1990 providing for the punishment of all racist, anti-semitic and xenophobic acts

12. In the framework of its continuing policy aimed at the elimination of all forms of racial discrimination, the French Government has made significant changes in its legislation, mainly in the form of Act No. 90-615 of 30 July 1990 providing for the punishment of all racist, anti-Semitic or xenophobic acts. 3/ Article 1 of the Act states the principle that any discrimination based on membership or non-membership of an ethnic group, nation, race or religion is prohibited. The Act is innovative in that it builds up the arsenal of penalties and establishes the new offence of questioning the existence of crimes against humanity. It also creates new rights for associations. This point will be discussed in connection with article 6 (see paras. 51-57 below).

13. Building up the arsenal of penalties. The Act of 13 July 1990 did not increase the main penalties of prison sentences and fines provided for in

earlier legislation, but rearranged penalties and added new ones. Convictions may now be published in press. Previously, publication was ordered by the courts as damages; it was therefore not a penalty and, if it was to be ordered by a court, one of the parties had to file a criminal indemnity action. The publication measure provided for by the Act of 13 July 1990 is an optional additional penalty and can thus be ordered even when there is no claimant for criminal indemnification and the Government Procurator's Office has decided to institute proceedings itself. It is aimed at appropriately denouncing certain particularly harmful acts and broadening the educational scope of judicial decisions handed down on the basis of the Penal Code or in accordance with the provisions of the Press Act. If the court so decides, it can be added to the main penalties and the additional penalty of the posting of the decision. The Act also provides for the publication of the conviction in the Journal Officiel (Penal Code, new art. 51 (1)).

14. In the cases provided for by law, i.e. in the event of conviction for incitement to discrimination, hatred or racial violence, for questioning the existence of crimes against humanity, defamation or insults of a racial, ethnic or religious character, the court may order either the full or partial publication of its decision or the insertion of a notice informing the public of the grounds and text of the decision in the Journal Officiel or in one or more newspapers or periodicals, at the offender's expense. The cost of publication or the notice may not exceed the maximum fine incurred for the offence in question.

15. In the event of conviction for the offences of incitement to discrimination and questioning of the existence of crimes against humanity alone, the court can also order, for a maximum period of five years, deprivation of the rights listed in article 42 (2) and (3) of the Penal Code, i.e. eligibility for and access to public office and public employment, (but not the right to vote).

16. Questioning of the existence of crimes against humanity: article 24 bis of the Act of 29 July 1881, as amended, reads:

> "The penalties provided for in article 24, paragraph 6, shall be applicable to anyone who, by one of the means referred to in article 23, has questioned the existence of one or more crimes against humanity which are defined by article 6 of the Statute of the International Military Tribunal annexed to the London Agreement of 8 August 1945 and were committed either by the members of an organization declared to be criminal under article 9 of the Statute or by a person found guilty of such crimes by a French or an international court.
>
> The court may also order:
>
> 1. The posting of its decision under the conditions stipulated in article 51 of the Penal Code;
>
> 2. The publication of its decision or the insertion of a notice under the conditions set forth in article 51 (1) of the Penal Code, with the cost of publication or the notice not to exceed the maximum fine incurred."

This is the new offence of publicly questioning the existence of crimes against humanity committed during the Second World War and recognized by a French or an international court as having occurred.

17. The Minister of Justice reaffirmed his determination to combat racism in his circular of 27 August 1990 on the implementation of the Act of 13 July 1990. The circular stated:

> "Action to combat manifestations of racism, anti-Semitism and xenophobia continues to be one of your highest priorities. Vigilance, speed and firmness are the principles that must guide the action taken by the Public Prosecutor's Department in this field more than any other.
>
> In view of the need to be effective and to set an example, we should, wherever possible, request the courts to hand down sentences on the basis of these new additional penalties introduced by the Act, since they are particularly well suited to action to combat racism."

18. The persistence of xenophobic and anti-Semitic ideologies again led the Minister of Justice to issue a circular dated 22 December 1992 4/ reminding the staff of the Public Prosecutor's Department of the rules that should guide its action in matters of racial discrimination and emphasizing the importance of combating the spread of racist behaviour, which is a serious threat to democracy.

Act of 31 December 1987

19. Article 14 of the Act of 16 July 1949 on publications intended for young persons, as amended by Act No. 87-1157 of 31 December 1987, empowers the Minister of the Interior to prohibit offering, giving or selling to minors under 18 years of age publications of any kind involving a danger to young persons, in particular through their emphasis on "discrimination or racial hatred". It should be noted that, in addition to the prohibition on selling such publications to minors under 18 years of age, the measure taken by the Minister of the Interior under article 14 of the Act of 16 July 1949 may entail the prohibition of any public display of the publications in question and any advertising for them.

20. Since the above-mentioned amendments to the Act of 16 July 1949, article 14 of the Act has been used on several occasions against publications of a racist and xenophobic nature. The statistics available for 1990 and 1991 indicate that 10 publications were banned on the basis of article 14 because of the emphasis they placed on hatred or racial discrimination. In addition to these figures, measures were taken by the Minister of the Interior, under article 14 of the Act of 23 July 1981 on freedom of the press, against foreign publications whose distribution was prohibited in French territory because of the racist nature of their content. During the period 1990-1991, six foreign publications were the subject of such a ban.

Unit to Combat Racism and Anti-Semitism

21. In January 1989, the Unit to Combat Racism and Anti-Semitism was set up in the Office of the Director of Public Freedoms and Legal Affairs of the

Ministry of the Interior. The Unit's role is to centralize information on racist activities, monitor their spread and, as appropriate, report them to the Ministry of Justice so that criminal proceedings might be instituted, if necessary. The Unit thus made it possible to compile statistical data on the spread of the various forms of racism which were used by bodies studying racism and seeking ways to combat it, such as the National Advisory Commission on Human Rights, as part of their work on the question of racism in contemporary French society. On the basis of the data collected, criminal proceedings were instituted and measures were taken for an administrative ban on racist publications.

22. Mention should also be made of the Unit's role in human rights training programmes in police academies and its participation in the implementation of city policy on relations between the police and the population groups concerned. In addition, the Unit has established ties with human rights and anti-racism associations and with the representatives of various intellectual movements and the major religions, as well as associations representing foreign communities.

Circular of 21 March 1991

23. The Ministry of the Interior has stepped up its efforts to prevent and punish racism. The circular addressed by the Minister of the Interior to the Prefects on 21 March 1995, 5/ is aimed at intensifying action to combat racism, anti-Semitism and the revival of nazism. The text refers to the existing set of legislative provisions and regulations for the punishment of racist acts and invites the Prefects to take initiatives to combat racism in two basic areas.

24. First, preventive action should be encouraged in cooperation with the local authorities concerned (police, gendarmerie, judiciary, representatives of the Bar, human rights associations and elected officials). Secondly, law enforcement should be facilitated and accelerated by drawing the attention of the services and staff concerned to the need to bring cases before the judiciary very rapidly by providing it with all information relating to the commission of offences of a racist nature. The instructions given to the Prefects also emphasize the fact that preventivion and law enforcement must be accompanied by special attention for the victims of racist acts and discriminatory behaviour.

25. Using the powers granted to him by the amended Acts of 29 July 1881 and 16 July 1949, the Minister of the Interior and Public Security banned 20 racist or anti-Semitic publications between May 1990 and January 1993. In previous years, only one ban was ordered in connection with racist or anti-Semitic writings. In addition to these administrative measures, the monitoring of publications of this kind makes it possible systematically to report those that appear to conceal offences against the provisions of the 1881 Act.

26. The Ministry of the Interior is also taking the following preventive measures as part of its campaign against racial discrimination:

(a) The training of police officers in action to combat racism and anti-Semitism has been stepped up;

(b) The security branch of the police force has specially trained 110 staff members in conducting surveillance of far-right-wing groups;

(c) The urban police are providing better protection for sensitive areas by increasing the number of local patrolmen.

27. In this connection, specific recommendations are made to the police to keep a particularly close watch on communities that have specifically been threatened. "Stake-outs" and patrols are thus organized depending on:

(a) The persons in question, who might be threatened because of their nationality or religion;

(b) The type of places in question (consulates or private residences, synagogues, mosques, schools, shelters, associations, etc.);

(c) The type of legal entities involved (airlines, businesses, etc);

(d) The socio-cultural, religious and economic context (Aid El-Kebir or Yom Kippur holidays, fairs, exhibits, etc.).

In 1992, temporary surveillance of religious buildings alone accounted for 77,612 man-hours or the equivalent of 49 police officers employed full time for one year.

28. In addition to these measures, regular contact is maintained between the police and representatives of the communities concerned, in order to increase mutual understanding and sooth tensions. In 1992, the police services recorded 28 racist acts against persons or property and 24 anti-Semitic or anti-Zionist acts. Overall, these figures are lower than in past years: in 1991, they were 51 and 40, respectively, and, in 1990, 52 and 20. The trend is the same as far as threats are concerned: 11 anti-Semitic and anti-Zionist threats in 1992, as against 317 and 184 in 1991 and 284 and 372 in 1990.

"Mediators for living together"

29. The Ministry of Social Affairs and Integration takes part in action to combat racism by providing considerable financial support for associations combating racism. The Ministry, also began the first experiments with "mediators for living together", jointly with the Inter-Ministerial Urban Commission, in 1991. These are activities in areas containing mixed communities which are designed to defuse conflicts and solve problems involved in living together on a daily basis. The mechanism is to be extended: 18 "social mediators" are soon to be appointed in places where an urban master plan already exists.

Report on action to combat racism and xenophobia in France

30. The Act of 13 July 1990 requires the National Advisory Commission on Human Rights to submit an annual report to the Prime Minister on action to combat racism and xenophobia in France on the symbolic date of 21 March, proclaimed the International Day for the Elimination of Racial Discrimination by the United Nations.

31. Three reports have been published so far: they describe certain manifestations of racism and evaluate the measures and actions taken to combat them. The report of the National Advisory Commission on Human Rights for 1992 thus contains: (i) a description of manifestations of racism and xenophobia, based on official statistics and on-the-spot observations; (ii) an analysis of how public opinion perceives racism, on the basis of a poll ordered by the Commission; and (iii) an appraisal of the measures taken by the authorities and activities conducted by the various social partners. The French Government draws the attention of the Committee on the Elimination of Racial Discrimination to the particular importance of this annual report, 5/ which is an especially useful supplement to the present report and an indication of the wide range of activities carried out by the National Advisory Commission on Human Rights.

32. Mention should also be made of the Commission's leading role in action to combat racism and xenophobia as part of its more general action to combat all types of exclusion and discrimination through the protection and promotion of human rights for the benefit of all. Attention is drawn to the importance of the Commission's activities linking the Government and civil society and intended to foster this vital coordination by playing a role in both monitoring and prevention. The many suggestions it has made to the Government on ways of eliminating all forms of racism and xenophobia bear witness to the variety and complementarity of the Commission's activities. It should also be noted that a Decree of 9 February 1993 amended the Decree of 30 January 1984 relating to the National Advisory Commission on Human Rights, with a view to strengthening its independence and enabling it to play an even more important role in encouraging public action in the field of human rights.

Article 3

33. France has consistently condemned the policy of apartheid practised by the Government of South Africa and considers the policy of "separate development" to be a fundamental violation of human rights. It scrupulously enforced the embargoes against South Africa during the period under review and then relaxed them, in cooperation with its 12 European Community partners, as a result of the positive developments taking place in South Africa. In March 1992, France lifted its coal embargo, the only measure adopted nationally, to encourage the negotiating process started by President De Klerk and the black community in South Africa. The only sanctions still in force are in the nuclear and military fields.

34. Since multilateral negotiations began in CODESA, France has worked to support mediation and dialogue in South Africa. With regard to violence, for example, it has sent observers to South Africa in the context of the structures provided for by Security Council resolution 772 (1992) and joined

the member States of the European Community in sending additional observers to South Africa. It has also made a French expert available to Judge Goldstone's Commission of Inquiry into Public Violence and Intimidation and, with the agreement of the Pretoria authorities and the black community, it received and trained a group made up of members of the South African police, academics, members of ANC and the Bantustan police force in the ethics of law enforcement.

35. France has called for the establishment of an interim government of national unity as a step in the transition process towards a democratic and non-racial South Africa. Now that the legislative foundations of apartheid have been abolished, France hopes that the "united, democratic and non-racial" South Africa of tomorrow will be able, by providing for universal suffrage and the equal rights of South African citizens in the Constitution and a declaration of rights, to remove the last institutional vestiges of the apartheid system.

36. The elimination of the cultural, social and economic consequences of apartheid will be a long-term undertaking. France regards education as a priority sector and focuses much of its bilateral cooperation effort on that sector. Low-cost housing and health needs are also enormous. France has been helping to meet these needs through the European Community's special programme of "affirmative action" to combat apartheid, which is now worth 90 million Ecus.

Article 4

37. The new Penal Code which will enter into force on 1 September 1993 7/ is characterized mainly by harsher penalties for racial discrimination. Articles 225 (2) and 432 (7) which punish discrimination by private individuals and discrimination by officials, provide for penalties of 2 years' imprisonment and a fine of FF 200,000 or 3 years' imprisonment and a fine of FF 300,000 instead of 1 year and FF 20,000 or 2 years and 40,000 francs, as now provided for in articles 187 (1) and 416 et seq. of the Penal Code.

38. The criminal responsibility of legal persons is also established for the offence of discrimination committed by a private individual (art. 225 (4) of the new Code). Legal persons may thus be declared criminally responsible for acts of discrimination committed on their behalf by their agencies or representatives and they may be sentenced to a fine equal to five times that applicable to natural persons, as well as to other penalties, such as the prohibition of the exercise of the professional or social activity in connection with which the act of discrimination was committed, the closure of establishments where the discrimination took place and the posting or dissemination of the sentence. These provisions will be applied in particular in the event of racial discrimination in respect of employment.

39. In the case of offences against respect for the dead, such as the desecration of bodies and graves, the new Penal Code introduces a new aggravating circumstance, which increases the penalty from one to three years' imprisonment or from two to five years' imprisonment where such acts are

committed because of the dead person's actual or alleged membership or non-membership of a particular ethnic group, nation, race or religion (arts. 225 (17) and 225 (18) of the new Code).

40. Action by the courts to combat racial discrimination may be seen in the light of the significant decisions handed down in the following cases: 8/

(a) Racial violence: On 6 November 1991, the Alpes Maritimes Assize Court, which was specially constituted on account of the classification of the crimes committed in connection with terrorist activities, sentenced the persons responsible for the attacks committed between 1985 and 1988 against hostels for immigrant workers to terms of imprisonment ranging from 8 to 18 years;

(b) Proceedings for incitement to discrimination and racial hatred and racial defamation: In a decision dated 20 November 1991, the seventeenth division of the Paris Correctional Court sentenced Mr. Bernard Girard to 15 days' imprisonment and the payment of damages to the Movement against Racism and for Friendship among Peoples (MRAP) and to the League for Human Rights (LDH), the claimants, on charges of incitement to discrimination and racial hatred or violence following the publication in January 1991 of issue No. 6 of the monthly magazine Trop d'immigrés, la France aux français (Too many immigrants, France for the French) and the dissemination of a tract dated 27 January 1991 and entitled "Stop immigration". The court found that the writings in question did not simply deal with immigration in general, but pinpointed specific categories of immigrants;

(c) Proceedings against anti-Semitic publications: Mr. A. Guionnet, editor of the magazine Révision, has received several prison sentences and has served them;

(d) Proceedings based on article 24 bis of the Act of 29 July 1881: In an interview published in the September 1990 issue of the magazine Le Choc du Mois, Mr. Robert Faurisson described "the myth of the gas chambers" in an article entitled "The revisionist historians", which was aimed at the Jewish community. On 9 December 1992, the Paris Court of Appeal upheld the sentence as to guilt, but changed the penalty, sentencing Mr. Faurisson and Mr. Boizeau, editor of the magazine, to a fine of FF 30,000 each on charges of questioning the existence of crimes against humanity and complicity.

41. Since the desecration of the Carpentras cemetery on 10 May 1990, 22 other desecrations have been reported to the Ministry of Justice. Ten took place in Jewish cemeteries or graves and six also had anti-Semitic overtones on account of the slogans found or because they were staged in a provocative manner. In the case of the desecration of the Saint Herblain cemetery on 17 May 1990, an investigation was ordered, on charges of incitement to racial hatred, against three young neo-Nazis who admitted their responsibility for such incitement. They were held in detention by the Rennes indictment chamber in order "to compensate for the serious and lasting disturbance of public order" caused by "acts contrary to one of our society's most basic values". In the case of an earlier desecration, that of graves in the cemetery at Eleu near Lens in March 1989, a young neo-Nazi was found guilty of racial insults and the desecration of graves, as well as of theft and intentional assault and

battery, and sentenced to three years' imprisonment, including a six-month suspended sentence and five years' probation, by the Béthune Correctional Court on 25 April 1989. On 21 September 1989, the minor who was with him was sentenced by the Béthune Juvenile Court to 12 months' imprisonment, including a six-month suspended sentence. On 18 January 1993, the Lyon Court of Major Jurisdiction sentenced two football supporters who had desecrated a Jewish cemetery to 16 months' imprisonment, including an 8-month suspended sentence and 3 years' probation, on charges of desecrating graves, wilfully damaging monuments, damaging another person's property and incitement to racial hatred or violence. The perpetrators, who had committed the acts after a football match, were also prohibited from attending other football matches and ordered to pay FF 10,000 each to the associations which had brought criminal indemnification proceedings (the International League against Racism and Anti-Semitism (LICRA) and the Movement against Racism and for Friendship among Peoples (MRAP)).

Article 5

42. France's current immigration policy still has two main focuses: control of immigration flows and efforts to combat clandestine immigration; and improved integration of the foreign population living in France.

43. The Act of 31 December 1991 9/ is the main legislative component of Government policy to combat clandestine immigration. It has three basic objectives:

(a) Establishing harsher penalties for the organization of foreigners' unlawful entry into and stay in France: harsher penalties are aimed primarily at persons who take advantage of this type of immigration by smuggling immigrants in, transporting them and housing them;

(b) Taking more effective action to combat clandestine labour: the Act establishes harsher penalties for persons convicted of trafficking in labour and also provides for preventive measures;

(c) Making the prohibition on entry into French territory a legal weapon against foreigners who take advantage of the unlawful situation of other foreigners. The Act broadens the scope of the prohibition on entry into French territory, but excludes the penalty for certain categories of foreigners who have close ties with France and, in many cases, no remaining links with their country of origin. It should be noted that the Act is in keeping with the principles embodied in the Convention for the Protection of Human Rights and Fundamental Freedoms and established by the decisions of the European Court of Human Rights.

44. Many measures are intended to improve the integration of the foreign population living in France. Most departments have been provided with reception, information and guidance offices to help migrant workers on their arrival in France. The reception of families arriving for the first time (39,000 persons in 1990) is one of the priorities of the integration policy. One measure at the departmental level is designed to improve information channels, to increase the involvement of social welfare departments and to promote the involvement of "helping hands" who are immigrants themselves.

mention should also be made of housing and urban policy measures. Housing measures are intended for all underprivileged persons, many of whom are of foreign origin. The Act of 31 May 1990 makes the formulation of a plan of action to house the underprivileged compulsory in each department. The Act of 13 July 1991, known as the Urban Master Plan Act, is designed to promote the more balanced distribution of low-income housing by means of a "local housing programme".

45. The integration of foreigners is one of the main challenges of urban policy. The Ministry of Social Affairs and Integration and the Social Welfare Fund for immigrant workers and their families spend large amounts on social development programmes to promote integration measures (FF 72 million in 1991). After violent incidents occurred in several towns, it became apparent that further action had to be taken to promote urban integration, not so much by adopting more measures and increasing the already considerable amounts being spent as by changing methods and using existing resources differently. This was the thrust of the circular of 22 March 1991 on interministerial urban and social welfare policy, which was signed by the Minister of Social Affairs and the Minister of Urban Planning and whose main objectives are to respond more effectively to the expectations of young persons with problems and to coordinate social welfare activities in each department.

46. Emphasis must be placed on the decisive role that schools can play in the integration process. It involves efforts to enrol immigrants in schools and bring them up to standard. Two types of efforts must be made: in quantitative terms, large numbers of foreign pupils have to be enrolled in primary and secondary schools (1,067,000 in the 1990-1991 school year): in qualitative terms, measures must be taken to provide support and overcome handicaps. These involve what are mainly introductory and remedial classes with small numbers of pupils and additional instruction for some 24,000 elementary school pupils, who are brought up to standard and thus able to enrol in regular classes. Classes for non-French speakers in which 3,250 children are enrolled have the same objective. The national education system provides financial and pedagogical assistance for these special classes, particularly in the area of language instruction. The results are an ongoing dialogue with families and improvements in the methods used to introduce pupils to French, in cooperation with some of the main countries of emigration, such as Turkey and Portugal.

47. Training for teachers assigned to teach young foreigners is provided by the training and information centres for the schooling of migrant children (CEFISEMs). This training will henceforth be the responsibility of the university teacher training institutes (IUFMs), which will have a monopoly, as from the beginning of the 1991-1992 school year, on training for primary-school teachers and for secondary-school teachers. Generally speaking, there is every assurance that teacher training will go a long way towards preventing racism among pupils, both in terms of knowledge and in terms of approach and presentation.

48. Children of foreign nationality with handicaps and problems benefit from general pedagogical measures designed to combat failure at school. In this connection, reference may be made to priority education zones (ZEP), which are

designed to provide increased educational resources and gradually to improve school achievement in areas with a large underprivileged population. This helps to combat racism by facilitating the academic and social integration of pupils, many of whom are foreign or of foreign origin.

49. Employment and training measures have been taken by the competent ministry. In accordance with Government guidelines on integration and in order to improve services for immigrants, the National Employment Agency (ANPE) and the Social Action Fund (FAS) for immigrant workers and their families signed a framework agreement on 15 June 1990 on cooperation to respond better to the specific needs of immigrant job-seekers. The first item covered by this agreement relates to the reception of immigrants in local employment agencies (availability of interpretation, training of ANPE officials); the second relates to the adaptation of ANPE's services to the specific needs of immigrants; and the third deals with non-discrimination in hiring. In accordance with the law, ANPE does not publish any job offer which is discriminatory in nature.

50. The Ministry of Labour, Employment and Vocational Training has also adapted training programmes to the specific problems of unemployed immigrants in the form of integration and training activities (AIFs). In 1990, unemployed immigrants of foreign nationality were satisfactorily integrated into the AIFs: 14.1 per cent of the AIFs benefited immigrants, who accounted for 12.8 per cent of the total number of unemployed.

Article 6

51. The Act of 13 July 1990 providing for the punishment of all racist, anti-Semitic or xenophobic acts added to the list of associations authorized to institute proceedings. Before the Act of 1 July 1972, article 48 (1) of the Act of 1881 already authorized associations which according to their statutes, sought "to combat racism" to exercise the rights reserved for the party instituting a civil action. This possibility now extends to associations whose purpose is "to assist the victims of discrimination based on their national, ethnic, racial or religious origin". The Act applies to the offences covered by article 24, last paragraph, 32, paragraph 2, and 33, paragraph 2, i.e. to incitement to racial discrimination, hatred or violence, defamation or insult.

52. The establishment, under article 24 bis, of the new offence of questioning the existence of crimes against humanity led the legislator to include article 48 (2) in the Press Act authorizing "any association which has been duly declared at least five years before the date on which the events took place and which according to its statutes seeks to defend the moral interests and reputation of the Resistance or of deportees" to exercise the rights reserved for the party instituting a civil action. This text relates to the questioning of the existence of crimes against humanity (art. 24 bis) and to "excusing war crimes, crimes against humanity or crimes or offences involving collaboration with the enemy", which are punishable under article 24, paragraph 3. The law establishes the right of reply for the association concerned.

53. Article 13 of the Press Act grants the right of reply "to any person named or designated in the newspaper or periodical" and case law makes this right available to both legal and national persons. Consequently, if the associations that satisfy the conditions of articles 48 (1) and 48 (2) are defamed on an individual basis, they may naturally exercise the right of reply. The Act of 13 July 1990 innovative in that it gives associations the possibility of exercising the right of reply in place and on behalf of the persons defamed, either in the press or in the audiovisual media.

54. In the case of the press, a new article 13 (1) has been included in the 1881 Act to authorize associations that satisfy the conditions of article 48 (1) to exercise the right of reply "whenever a person or group of persons have, in a newspaper or periodical, been targeted by allegations threatening their honour or reputation because of their origin or because they belong or do not belong to a given ethnic group, nation, race or religion".

55. However, the Act places two restrictions on the power of associations. First, when the accusations concern persons individually, the association may exercise the right of reply only if it proves that it has received their agreement. Some victims may take the view that the best reply is to remain silent in order to protect their private life instead of drawing further and renewed attention to the allegations by publishing a statement setting the record straight. In addition, in order to avoid cumulative or repetitive actions, article 13 (1) stipulates that, once a reply has been published at the request of an association under the terms of article 48 (1), no association may require the publication of a further reply.

56. The exercise of the right of reply on radio or television gives rise to particular technical problems. The exercise of the right of reply in the audiovisual media is governed by the Act of 30 September 1986, as supplemented by a decree of 6 April 1987.

57. Article 6 of this Act was supplemented by the Act of 13 July 1990, to enable associations that satisfy the requirements of article 48 (1) of the Press Act to exercise the right of reply when the defamatory allegations concern a person or group of persons. This text is drafted in the same terms as article 13 (1) of the Act of 1881 and contains the same restrictions: the agreement of the person concerned and the prohibition on repeated requests once a reply has been published at the request of an association.

Article 7

58. With regard to immediate and effective measures to combat discrimination, mention should be made of the large subsidies granted to organizations and associations involved in action to combat racism.

59. At the request of the Prime Minister, the Interministerial Unit to Coordinate Action to Combat Racism was set up on 20 December 1988 following an attack on an immigrant hostel at Cagnes-sur-Mer. This Unit, which meets regularly at the Hôtel Matignon, has provided follow-up for the activities of the ministerial departments concerned (National Education, Foreign Affairs, Justice, Defence, the Interior, Labour and Employment, Solidarity, Health and Social Welfare). In order to benefit from the vigilance of anti-racist

associations, by facilitating cooperation with them while respecting their autonomy, the National Advisory Commission on Human Rights has been deeply involved in these activities. During meetings held since 1990, the Interministerial Unit and anti-racist associations have:

(a) Started a project to establish a file of court decisions relating to racism. More than 500 decisions handed down by all courts since 1972 have been classified. The texts will be computerized and the data which are updated twice a year, will be stored on a diskette and made available through the Minitel to all persons concerned;

(b) Exchanged information on all manifestations of racism by means of a mutual warning system and drawn up an ongoing assessment of the implementation of legislation and regulations;

(c) Analysed preventive measures and preventive training measures and, since 1990, obtained input for the annual reports on action to combat racism and xenophobia from the ministries and anti-racist associations concerned.

60. As part of its activities, the national Unit has considered ways of establishing departmental units to coordinate action to combat racism. One year after the first ones were set up on an experimental basis in three pilot departments (Bouches du Rhône, Bas-Rhin and Nord), a preliminary assessment was made of how they operated. The units are chaired by the Prefect and are characterized by a broad partnership between representatives of the judicial authorities (the departmental municipal police authority, the departmental border police authority, the regional police department, the health and social welfare department, the education authorities, the departmental labour and employment office, the departmental works office, the departmental youth and sports office); and elected local officials, the representative of the Bar and associations and local branch associations involved in action to combat racism.

61. The units have been assigned the following specific operational tasks:

(a) Monitoring racial problems and operating a warning system;

(b) Collecting information on the implementation of legislation and regulations and on the local application of criminal law policy in order to harmonize proceedings instituted by the Public Prosecutor's Department and by specialized associations;

(c) To evaluate action to combat racism and to promote local preventive measures and measures to provide training in prevention;

(d) To foster communication between the Government departments concerned, local associations and the Unit to Coordinate Action to Combat Racism.

62. The preliminary assessment of the activities of these experimental units has enabled the Ministry of the Interior to see how useful it is to bring together partners which may have had preconceived ideas or prejudices. The positive results of this experiment have persuaded the Prime Minister to

extend the measure to all departments. Accordingly, a circular was sent to the Prefects on 1 March 1993 10/ and a detailed assessment will be drawn up for 1 October 1993 in the light of urban policy. At that time, the most suitable measures will be studied by the units with a view to reducing problems that give rise to racial exclusion, racism and xenophobia.

63. In connection with the prevention of racism and prejudice that gives rise to racial discrimination, it should be mentioned that curricula from primary school to the last year of secondary school now include human rights teaching. History curricula devote special attention to the devastation caused by nazism. Part of the history curriculum for students in the penultimate year of secondary school (aged 16-17) deals with the occupation and resistance in Hilter's Europe, concentration camps and genocide. The curriculum for students in the last year (aged 17-18) begins with an assessment of the Second World War that focuses on the distress caused by awareness of the deportation and its consequences. The curriculum also emphasizes the establishment of the United Nations and its ideals, particularly through the study of the Charter and the Universal Declaration of Human Rights.

64. In technical secondary schools, human rights education and the prevention of racism are an integral part of courses on "awareness of today's world" taught in classes preparing for the vocational training certificate, the vocational training diploma and the vocational baccalaureate.

65. Mention should also be made of the educational action projects (PAEs), large numbers of which have been set up in educational districts through local initiative. They are a valuable contribution to the prevention of racism and xenophobia, since they cover a wide range of topics and use many different means. The most frequent topics relate to the understanding of differences, the promotion of human rights and knowledge of developing countries, North-South relations and the French-speaking world. Innovative teaching methods are often used, including exhibitions, video films, recordings, murals and the publication of newspapers and handbooks.

Notes

1/ See annex 1, Statistical data on nationwide convictions for racism.

2/ See annex 7, Act No. 89-548 of 2 August 1989 on conditions for foreigners' entry into and stay in France.

3/ See annex 11, Comparative table of the legislative situation before and after the adoption of the new Act of 30 July 1990 providing for the punishment of all racist, anti-Semitic and xenophobic acts; annex 5, Circular by the Minister of Justice dated 27 August 1990 on the implementation of Act No. 90-615 of 13 July 1990; and annex 3, Status of proceedings based on article 24 bis of the Act of 13 July 1990.

4/ See annex 4, Circular by the Minister of Justice, dated 22 December 1992, on action to combat racism.

5/ See annex 9, Circular by the Minister of the Interior, dated 21 March 1991, on action to combat racism, anti-Semitism and the revival of nazism.

6/ See annex 13, Action to combat racism and xenophobia-Exclusion and human rights, annual report of the National Advisory Commission on Human Rights for 1992.

7/ See annex 6, Acts Nos. 92-683, 92-684, 92-685 and 92-686, dated 22 July 1992, amending the Penal Code.

8/ See annex 2, Elements of case law in respect of racial violence, proceedings for racial discrimination and proceedings for incitement to racial discrimination and hatred and for racial defamation.

9/ See annex 8, Act No. 91-1383, dated 31 December 1991, strengthening action to combat clandestine labour and the organization of foreigners' unlawful entry into and stay in France.

10/ See annex 10, circular by the Prime Minister, dated 1 March 1993, on the extension of the departmental units to coordinate action to combat racism, xenophobia and anti-Semitism.

List of annexes*

1. Statistical data on nationwide convictions for racism.

2. Elements of case law in respect of racial violence, proceedings for racial discrimination and proceedings for incitement to racial discrimination and hatred and for racial defamation.

3. Status of proceedings based on article 24 bis of the Act of 13 July 1990.

4. Circular by the Minister of Justice, dated 22 December 1992, on action to combat racism.

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10. Circular by the Prime Minister, dated 1 March 1993, on the extension of departmental units to coordinate action to combat racism, xenophobia and anti-Semitism.

11. Comparative table of the legislative situation before and after the adoption of the new Act of 13 July 1990 providing for the punishment of all racist, anti-Semitic and xenophobic acts.

12. Languages spoken in the departments and oversees territories.

13. Action to combat racism and xenophobia - Exclusion and human rights, annual report of the National Advisory Commission on Human Rights for 1992 (attached)

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* These documents may be consulted in French in the files of the secretariat of the Centre for Human Rights.